

REMARKS

Claims 1-20 have been examined. Claims 1 and 11 are independent. Claims 1-8 and 11-18 have been rejected under 35 U.S.C. § 102(e), and claims 1 and 9-12 have been rejected under 35 U.S.C. § 102(b). Also, the Examiner has indicated that claims 9, 10, 19 and 20 contain allowable subject matter.

Preliminary Matters

Applicant has amended the Abstract to make minor editorial amendments.

In addition, Applicant has amended claim 11 to clarify the positioning of the claimed projection. Claim 11 is discussed more fully below.

Rejections under 35 U.S.C. § 102(e)

Claims 1-8 and 11-18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,275,003 to Marukawa et al. ("Marukawa"). However, the filing date of Marukawa (i.e. June 8, 2000) is after the filing date (i.e. May 25, 2000) of Applicant's foreign priority document JP 2000-155232. In addition, it appears that Marukawa's priority documents, JP 11-163336 and JP 12-081103, were published less than one year prior to the filing of the current Application. Accordingly, Applicant is hereby removing Marukawa as a prior art reference by perfecting the claim to foreign priority.

Submitted herewith is a verified English translation of JP 2000-155232. Applicant submits that JP 2000-155232 provides support under 35 U.S.C. § 112, first paragraph, for claims 1-8 and 11-18 of the present Application.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1-8 and 11-18.

In view of the above, Applicant has rewritten claims 2-4 into independent form.

Rejections under 35 U.S.C. § 102(b)

A. The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,800,942 to Hamada et al. ("Hamada").

1. Claim 11

Applicant submits claim 11 is patentable over the cited reference. For example, claim 11 recites a battery cover having at least one projection formed on an inner surface, and a fixing member engaged with an electrode of a battery. The projection extends in a direction towards the fixing member, and can abut against the fixing member.

The Examiner maintains that Hamada discloses the above features. However, Applicant submits that the Examiner is misinterpreting and/or misapplying the cited reference. For example, the Examiner maintains that recesses 17d disclose the claimed projection and anchor nuts 6c disclose the claimed fixing member (Fig. 1 and 11). As stated in Hamada, recesses 17d accommodate anchor nuts 6c within the recesses 17d (col. 13, lines 45-51). Therefore, recesses

17d form an indentation or depression in top panel 18, rather than a projection which extends towards anchor nut 6c, as required by claim 11.

Accordingly, Applicant submits that claim 11 is patentable over the cited reference.

2. Claim 12

Since claim 12 is dependent upon claim 11, Applicant submits that such claim is patentable at least by virtue of its dependency.

B. The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,400,449 to Henk ("Henk").

Applicant would like to note to the Examiner that on page 3 of the Office Action, the Examiner indicated that claims 9 and 10 were rejected in view Henk, and likewise contain allowable subject matter. Accordingly, the undersigned attorney contacted the Examiner by telephone on May 6, 2003, to clarify the discrepancy. The Examiner stated that claims 9 and 10 should not have been rejected under 35 U.S.C. § 102(b) since they contain allowable subject matter. Therefore, Applicant respectfully requests that the Examiner indicate that claims 9 and 10 should not have been rejected under 35 U.S.C. § 102(b), with the next Office Action in this case.

1. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that a plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to a plurality of electrodes of the at least one battery.

The Examiner maintains that ribs 43 of Henk disclose the claimed plurality of shock-absorbing ribs. However, Henk fails to teach or suggest that ribs 53 are formed at positions respectively corresponding to a plurality of electrodes of a battery (Fig. 5; col. 9, lines 4-22).

Accordingly, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to withdraw the rejection.

2. Claims 9 and 10

Please note, although the Examiner indicated that claims 9 and 10 were mistakenly included in the 35 U.S.C. § 102(b) rejection, the rejections are of record in this case. Therefore, Applicant submits that Henk fails to teach or disclose the features recited in claims 9 and 10.

Allowable subject matter

The Examiner has indicated that claims 9, 10, 19 and 20 contain allowable subject matter. Accordingly, Applicant has rewritten claim 9 into independent form.


Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/863,458

Additionally, Applicant has added claims 21 and 22 to provide more varied protection for the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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